

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional)
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First named inventor: Shell S. Simpson

Application No.: 10/056,687

Art Unit: 2157

Filed: 1/24/2002

Examiner: Yves Dalencourt

Title: Mechanism and method for sharing imaging information from an enterprise resource planning computing environment

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ \$1,540 (37 CFR 1.17(m)) See end of next page for payment information.

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of RCE, office action response, and IDS (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Michael Dryja/

Signature

5/14/2008

Date

Michael Dryja

Typed or printed name

39,662

Registration Number, if applicable

Law Offices of Michael Dryja, 1474 N Cooper Rd #105-248

Address

425-427-5094

Telephone Number

Gilbert, AZ 85233

Address

Enclosures: Fee Payment (Fee payment for the petition fee is on this page, below. Fee payment for the RCE fee is on the RCE sheet itself.)
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay
 Other: Copy of notice of abandonment

Please charge to Deposit Account 08-2025 the sum of \$1,540. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that my regulate fees.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named Applicant: Shell S. Simpson Application No.: 10/056,687 (CONF 1020) Filed: 1/24/2002 Title: Mechanism and method for sharing imaging information from an enterprise resource planning computing environment Attorney Docket No.: 10008198-1	Group Art Unit: 2157 Examiner: Yves Dalencourt
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Assistant Commissioner for Patents
Washington, D.C. 20231

SUPPORTING DOCUMENT FOR PETITION TO REVIVE

Timeline

Date	Action
9-20-2007	Mailing date of final office action
3-20-2008	Due date of final office action response (with 3-month extension)
4-30-2008	Mailing of notice of abandonment
5-14-2008	Filing of petition to revive

Detailed explanation of course of events

A final office action was mailed in this patent application on September 20, 2007. However, the final office action apparently became "lost in the mail." Applicant never received a copy of the final office action. The notice of abandonment was mailed on April 30, 2008 and therefore, the present petition to revive is being filed.

Why the petition to revive based on unintentionality be granted

Applicant submits that the USPTO grant this petition to revive, as the patent application was unintentionally abandoned. As stated above, Applicant did not receive the final office action of September 20, 2007. Had Applicant received the final office action, a final office action

response or a request for continuing examination would have been timely filed. Therefore, the patent application was not abandoned with any intention on the part of Applicant. The entire delay was unintentional.

Papers attached to this petition

Applicant has attached the notice of abandonment received in this patent application. Applicant has also attached a request for continuing examination, with an associated final office action response and information disclosure statement.

Proposed course of action should petition to revive be granted

Should the petition to revive be granted, Applicant proposes that the request for continuing examination be entered and sent to the Examiner, along with the associated final office action response and information disclosure statement. However, Applicant of course yields to the USPTO as to the proper course of action in this respect.

Respectfully Submitted,



May 14, 2008
Date

Michael A. Dryja, Reg. No. 39,662
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja
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Gilbert, AZ 85233
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,687	01/24/2002	Shell S. Simpson	10008198-1	1020
7590	04/30/2008		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2157	
			MAIL DATE	DELIVERY MODE
			04/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment	Application No.	Applicant(s)
	10/056,687	SIMPSON ET AL.
	Examiner Yves Dalencourt	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 20 September 2007.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

/Yves Dalencourt/
Primary Examiner, Art Unit 2157

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10008198-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Shell S. Simpson**

Confirmation No.: **1020**

Application No.: **10/056,687**

Examiner: **Yves Dalencourt**

Filing Date: **1/24/2002**

Group Art Unit: **2157**

Title: Mechanism and method for sharing imaging information from an enterprise resource planning computing environment

Mail Stop RCE
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) 37 CFR 1.114

Subsection (b) of 35 U.S.C. 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application.

NOTE: 37 CFR 1.114 is effective on May 20, 2000. If the above- application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under CFR 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 off. Gaz. Pat. Office

Submission under 37 CFR 1.114

Previously submitted

Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____.
(Any unentered amendment(s) referred to above will be entered).

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.

Other _____

Enclosed

Amendment/Reply

Affidavit(s)/Declaration(s)

Information Disclosure Statement (IDS)

Other _____

Miscellaneous

Suspension of action is requested under 37 CFR 1.103(c) for a period of _____ months.
The fee for this Suspension is (37 CFR 1.17(i)) \$130.00

Other _____

CONTINUED EXAMINATION TRANSMITTAL
(RCE) (37 CFR 1.114) (continued)

PATENT APPLICATION

ATTORNEY DOCKET NO. 10008198-1

RCE filing fee \$810.00

A Petition for Extension of Time

1st Month
\$120

2nd Month
\$460

3rd Month
\$1050

4th Month
\$1640

Please charge to Deposit Account 08-2025 the sum of \$ 810. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that my regulate fees.

Respectfully submitted,

Shell S. Simpson

By: /Michael Dryja/

Michael Dryja

Attorney/Agent for Applicant(s)

Reg No. : 39,662

Date : 5/14/2008

Telephone : (425) 427-5094